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Before The
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20054

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

In the Matter of)
Revision of Part 22 of the)
Commission's rules governing)
the Public Mobile Services)

CC Docket No.
92-115

To: The Commission

COMMENTS OF
VANGUARD CELLULAR SYSTEMS, INC.

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FEDERAL COMMUNICATIONS COMMISSION
OFFICE OF THE SECRETARY

Vanguard Cellular Systems, Inc. ("Vanguard") submits Comments to the Notice of Proposed Rulemaking ("NPRM") concerning revision of Part 22 of the Commission's Rules in CC Docket No. 92-115.

1. Vanguard is the third largest purely non-wireline cellular telephone system operator in the United States with 21 cellular systems in MSA's and in RSA's with over 100 cell sites serving more than 80,000 subscribers. Vanguard has filed literally hundreds of applications and notices with the Mobile Services Division and is therefore experienced in working with Part 22 of the Commission Rules. Based on the foregoing, Vanguard submits comments concerning the proposals set forth by the Commission to revise Part 22.

2. Proposed Section 22.105(g) permits applicants to submit technical and administrative data contained in applications and notifications on magnetic disks. The proposed rule then goes on to detail the procedures for submitting entire applications and

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notifications on magnetic disks by including graphics files containing the images of the signed paper originals. Vanguard strongly supports the Commission's foresight in moving to a truly electronic communications system. This will not only cut down on wasteful use of paper, but also streamline the handling of applications and notifications.

Vanguard suggests that the Commission make available to the public magnetic disks that contain graphics images of blank FCC forms (e.g., Forms 401, 489, etc.). Of course, parties desiring copies of these disks would be required to make a payment to offset the costs. This procedure would promote uniformity. If the Commission does not desire to undertake development of these disks internally, Vanguard believes that one or more cellular carriers may be willing to prepare the appropriate disks and make the software available to the industry at large. The benefit of making a uniform, FCC-approved disk available that would promote uniformity would undoubtedly result in preservation of Commission staff resources.

3. Proposed Section 22.163 would eliminate the requirement that licensees notify the Commission of minor modifications ("permissive changes"). The Commission goes on the state:

Of course, there would be no record of the modifications in the station files or computer databases; consequently, these transmitters might not be protected from interference. NPRM, p. 10.

Vanguard is confused by this language. Vanguard, for itself, would always want modifications that it made to its cellular authorizations to be protected from interference. The Commission

should clarify if it intends to state that if a cellular carrier wishes such interference protection, it must file a Form 489 Notification. Proposed Section 22.165 contains the same confusing language concerning additional transmitters for existing systems. Vanguard requests that the Commission clarify its intention.

4. Proposed Section 22.325 would eliminate the provision of present Section 22.909 requiring cellular operators to obtain Commission approval prior to moving the location of the control point beyond the boundary of the CGSA. Vanguard strongly supports this proposed change based on its experience in operating its Pennsylvania SuperSystem which is a collection of approximately 10 MSAs and RSAs that are controlled at two different control points in Pennsylvania. This proposal would eliminate a lot of unnecessary paperwork and effectively acknowledge changes in technology that have occurred since the original cellular rules were enacted in the early 1980's.

5. Proposed Section 22.941 would permit system operators to change their SID code at will and notify the Commission by filing a Form 489. Vanguard strongly supports this procedure.

6. The Commission goes on to solicit comments about whether some other organization should assign SID codes. Vanguard believes that making a SID code change a Form 489 notification matter, effectively eliminates any burden on the Commission. In Vanguard's view, easy reference in having SID codes listed on FCC cellular licenses is a meaningful benefit; Vanguard would like to see that practice continued.

7. Proposed Section 22.913(b) contains certain limits on antenna heights/effective radiated power of cellular base stations. These limitations preclude the extension of a station's service contour beyond 26 miles. There is no provision for an "automatic waiver" of this limitation when the cellular licensee of the adjacent cellular system consents. This is akin to a "contract extension" and Vanguard urges the Commission to revise proposed Section 22.913(b) to permit this "automatic waiver". Some of Vanguard's markets, especially in Pennsylvania, are very mountainous. If there is no "automatic waiver" procedure as outlined above, Vanguard will be forced to approach the Commission repeatedly to secure formal waivers. This will create unnecessary paperwork and divert Commission staff attention from more important matters.

Respectively submitted,

VANGUARD CELLULAR SYSTEMS, INC.

By: 

Richard C. Rowleson,
Senior Vice President and
General Counsel

Date: October 1, 1992